

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**REQUEST FOR CERTIFICATE  
OF APPEALABILITY;**

Plaintiff was only petitioning the court to let it know that

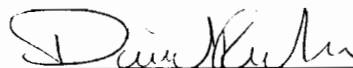
1 as Chairman of the institution's Men's Advisory Council he  
2 represents the General Population here at CTF-Central Facility,  
3 Soledad State Prison, and as such, it was necessary for the  
4 complaint to be recognized as a class action.(see motion for  
5 Clarification dated May 14, 2008)' Plaintiff never meant to give  
6 the court the impression that he would not comply with the courts  
7 order to amend the complaint. Plaintiff has done this, but  
8 because of his lack of legal knowledge was waiting on the courts  
9 response to his motion For Clarification.

10 Plaintiff would like the court to notice that he has payed  
11 the filing fee, and that he has never exceeded the 30 days that  
12 was given by the court to amend the complaint. Plaintiff is  
13 attaching the amended complaint, with all signatures removed but  
14 his own.

15 Plaintiff request the court, if it decides not to reconsider  
16 its dismissal of the 1983 Civil complaint to allow this to act as  
17 a request for Notice Of Appeal, and Certificate Of Appealability.

18 Plaintiff would like to apologize to the court for not being  
19 more clear of his intentions. In the future the plaintiff will  
20 not fail to comply with the courts direct orders.

21  
22  
23  
24 Date: June 5, 2008

  
25 **David Rucker**  
26 **Plaintiff, Pro-Se**  
27  
28

**PROOF OF SERVICE BY MAIL  
BY PERSON IN STATE CUSTODY**

(C.C.P. §§ 1013(A), 2015,5)

I, David Rucker, declare:

I am over 18 years of age and I am party to this action. I am a resident of CORRECTIONAL TRAINING FACILITY prison, in the County of Monterrey, State of California. My prison address is:

David Rucker, CDCR #: P-29892  
CORRECTIONAL TRAINING FACILITY  
P.O. BOX 689, CELL #: D-Wing 113U  
SOLEDAD, CA 93960-0689.

On June 5, 2008, I served the attached:

Notice of Appeal, Request for Certificate of Appealability,  
Request for the Court to Reconsider Dismissal of 1983 Civil Rights Action,  
Copy of Amended Complaint

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope (verified by prison staff), with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named institution in which I am presently confined. The envelope was addressed as follows:

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
450 Golden Gate Avenue  
San Francisco, California 94102

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 5, 2008.

David Rucker  
Declarant